

**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

FREDERICK BROWN,

Plaintiff,

v.

STEPHEN ROBERTS, *et al.*,

Defendants.

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CIVIL ACTION NO. 5:09-CV-117 (MTT)

ORDER

This matter is before the Court on pro se Plaintiff Frederick Brown's Motion to Reopen and Compel Discovery (Doc. 25). Pursuant to the Court's instructions (Doc. 5), discovery was to be completed within ninety (90) days from the date of the filing of an answer or dispositive motion by the Defendants. Discovery was stayed by Order (Doc. 12) of this Court dated June 4, 2009, until the Court ruled on the Defendants' Motion to Dismiss (Doc. 10), which the Court did on March 26, 2010. On April 2, 2010, the Defendants filed their Answer (Doc. 20). Therefore, the discovery period has expired.

Apparently, the Plaintiff conducted no discovery after the stay ended, and he offers no explanation for his failure to conduct discovery other than his mistaken impression that the stay remained in effect. Also, as the Defendants note, the Plaintiff has had the benefit of discovery in other ETS claims he has filed. In short, there appear to be no grounds to reopen discovery.

Nevertheless, the Plaintiff is ORDERED to submit to the Court **within ten (10) days** of receipt of this Order documentation explaining his need for additional discovery

and the specific areas of inquiry that he wishes to explore. The Court will evaluate the Plaintiff's alleged need to reopen and conduct additional discovery upon receipt and consideration of the Plaintiff's Response.

Also, on October 14, 2010, the Defendants filed a Motion for Summary Judgment (Doc. 31). The Plaintiff has not filed, timely or otherwise, a response.¹ Nevertheless, the Court will consider any response filed by the Plaintiff **within twenty (20) days** of receipt of this Order.

The Clerk is directed to serve the Plaintiff at the last address provided by him.

SO ORDERED, this the 10th day of November, 2010.

S/ Marc T. Treadwell
MARC T. TREADWELL, JUDGE
UNITED STATES DISTRICT COURT

¹ Local Rule 7.4 requires a response within twenty-one (21) days after service of the movant's motion and brief.